

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Langford Area School District
Accountability Review - Monitoring Report 2010-2011

Team Members: Chris Sargent, Team Leader, Brenda Boyd, Dustin Hinkley; Education Specialists, Cindy Kirshman; Transition Liaison

Dates of On Site Visit: December 2nd, 2010

Date of Report: May 10, 2011

3 month update due: Date Received:

6 month update due: Date Received:

9 month update due: Date Received:

Closed: February 18, 2011

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures. The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the

deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:27:08. Yearly review and revision of individual educational programs. Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose at least once a year. Through file review, the monitoring team determined the district did not consistently conduct an annual review of each student's IEP. On the 2003 child count the district reported four students who did not have an active IEP in their file on December 1, 2003. This is addressed in more detail under principle 5, Individualized Education Program.

ARSD 24:05:17:03. Annual report of children served. In its annual report of children served, the district shall indicate the number of children with disabilities receiving special education and related services on December 1 of that school year.

Through file review, the monitoring team determined the district reported eight students on the 2003 child count whose evaluation procedures were not comprehensive enough to qualify these students as having a disability. Specific issues are discussed under evaluations procedures and IEP team override under Principle 3, appropriate evaluation.

Of these eight students, one of them overlaps under the category of not having an annual review for the 2003 child count.

Follow-up: December 2, 2010

Finding: NONE

All students reported had an IEP in effect on December 1, 1009. Based upon student files reviewed, evaluation data supported eligibility.

2. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

24:05:25:03. Preplacement evaluation. Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. Evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents. Consent for initial evaluation may not be construed as consent for initial placement.

Through file review the monitoring team determined a sufficiently comprehensive evaluation to determine eligibility was conducted in only 25% of the files reviewed. Functional evaluation was completed in 33% of the files. For one student, no ability or achievement evaluation was completed, for another student, no achievement evaluation was completed, and a third student, identified under the category of mental retardation, no adaptive behavior assessment was completed. There was no evidence of any testing being completed for a fourth student listed on the 2003 child count. A fifth student who was identified on the 2003 child count under the category learning disability does not meet the eligibility criteria for a student with a learning disability in the state of South Dakota.

Follow-up: December 2, 2010

Findings: NONE

Comprehensive evaluations were conducted to support the IEP team's eligibility decisions.

3. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:24.01:31. IEP team override. If the IEP team determines that a student is eligible for special education or special education and related services because the student has a disability and needs special education even though the student does not meet specific requirements in this chapter, the IEP team must include documentation in the record as follows: the record must contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student; the record must indicate what objective data were used to conclude that the student has a disability and is in need of special education. These data may include test scores, work products, self-reports, teacher comments, previous tests, observational data, and other developmental data; since the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision; and the IEP team override decision must include a sign-off by the IEP team members agreeing to the override decision. If one or more IEP team members disagree with the override decision, the record must include a statement of why they disagree signed by those members. Through file review, the monitoring team determined the IEP team used the override procedure to determine eligibility for two students but did not use correct procedures in doing so. In both files, the district IEP team used the override process to qualify the student as a student with a disability and in need of special education. In one of these files, the override procedure was unnecessary, because the student could have been determined as eligible for special education under the category of learning disability if the team had considered the difference of more than one standard deviation between the student's ability scores (verbal and perceptual). In the second file, the team did not satisfactorily invalidate the findings of the test results or document functional data to conclude that the student has a disability. The student's achievement scores were nine to nineteen points higher than his full scale ability score which was below average. The IEP team must revisit these students's eligibility.

Follow-up: December 2, 2010

Findings: NONE

The override provisions were not used for student files reviewed.

4. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:25:04.03. Determination of eligibility. Upon completing the administration of tests and other evaluation materials as required by this chapter, the individual education program team and other individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

Through file review the monitoring team determined the district did not consistently provide a copy of the evaluation report to the parents because in three files there was no evidence of a report being written. The team could locate only the protocols with no evaluation summary of the scores.

Follow-up: December 2, 2010

Findings: NONE

Evaluation reports were available in the student files reviewed and copies were given to parents.

5. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:25:12. Written report for specific learning disabilities. The team shall prepare a written report of the results of the evaluation for specific learning disabilities. The report must include a statement of the following: Whether the child has a specific learning disability; the basis for making the determination; relevant behavior noted during the observation of the child; the relationship of that behavior to the child's academic functioning; educationally relevant medical findings, if any; whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and the determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Through file review the monitoring determined the district did not consistently determine eligibility for students with a learning disability through the use of a multidisciplinary team process. No multidisciplinary team report could be located in seven files that required such a report.

Follow-up: December 2, 2010

Findings: NONE

Eligibility/MDT documents were present in the student files reviewed.

6. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:25:04. Evaluation procedures. School districts shall ensure, at a minimum that evaluation procedures are sufficiently comprehensive to identify all of the child's special education and related service's needs.

Through file review, the monitoring concluded the district's evaluation process was not sufficiently comprehensive enough to support the eligibility of eight students on the 2003 child count. Of those eight files, three of the students are no longer in the district. Two of the these three files were the result of the district not reviewing evaluation data for students coming into the district to ensure the student qualified as a student with a disability as per the South Dakota eligibility criteria. The third student who is no longer in the school district that was on the 2003 child count under the category of other health impaired did not have an achievement test completed during the March 2003 evaluation process. In two other files, the students were on the 2003 child count but the evaluation process was not sufficiently comprehensive to determine the student was a student with a disability. In one of these files only the area of ability was evaluated but no other evaluations were conducted. In the second file no ability or achievement evaluations were conducted. The IEP team will need to revisit eligibility and possible reevaluation to determine if these two students continue to be eligible for special education services. A student identified on the 2003 child count under the category mental retardation is presently being reevaluated to determine eligibility. In 2002 the student was evaluated in the areas of ability and achievement. The psychologist recommended in his report that the team conducts an adaptive behavior assessment which was never done but is a requirement for eligibility under the category mental retardation. One student was identified on the 2003 child count under the category of mental retardation. The student was not evaluated in all areas to qualify under mental retardation. The team needs to revisit the student's eligibility because the evaluation was not sufficiently comprehensive to qualify the student under the category of learning disability as per evaluations and the multidisciplinary team report. In another file the evaluation team did not bring forth previously presented medical information for the purpose of determining eligibility. The IEP team needs to revisit this file and include and consider all relevant information as part of the eligibility process. Through file review, the monitoring team determined the district does not consistently evaluate in the area of transition. In one of the three files which required transition evaluation to be completed the transition evaluation consisted of only the Armed Services Aptitude (ASVAB) Battery which did not address the areas of independent living and community participation which were pertinent to the student's post- secondary plans of attending college in 2005.

Follow-up: December 2, 2010

Finding: NONE

Comprehensive evaluations were conducted and were sufficient to determine eligibility in the student files reviewed.

7. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:30:15. Surrogate parents. Each school district shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected if no parent can be identified and the district, after reasonable effort, cannot discover the whereabouts of a parent or if the child is a ward of the state. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents. Through interview, the monitoring team determined the district does not maintain a list of persons who may serve as surrogate parents.

Follow-up: December 2, 2010

A surrogate parent list was available.

8. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:30:04. Prior notice and parent consent. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents. If the notice described in this section relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Through file review, the monitoring team located three files in which four separate IEP meetings were conducted and no prior notice for the meeting could be located in the file and the only signature on the cover sheet of the IEP was that of the special education teacher.

Follow-up: December 2, 2010

Finding: NONE

Parent input into evaluation was properly documented in current prior notice documents.

9. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:27:01.01. IEP team. Each school district shall ensure that the IEP team for each student with disabilities include the following members: the parents of the student; at least one regular education teacher of the student if the student is, or may be, participating in the regular education environment; at least one special education teacher of the student or, if appropriate, at least one special education provider of the student; and a representative of the school district who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the school district.

Through file review the monitoring team concluded the district did not have appropriate team membership at all IEP meetings. The cover sheet of one IEP was signed only by the special education teacher. No prior notice for the meeting could be located in this file.

Follow-up: December 2, 2010

Finding: NONE

IEP meetings were conducted with appropriate team membership.

10. GENERAL SUPERVISION

(Statement of non-compliance from report of March 1 and 2, 2005)

ARSD 24:05:27:08. Yearly review and revision of individual educational programs. Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose at least once a year. The review shall be conducted to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, as appropriate, to address: any lack of expected progress toward the annual goals and in general curriculum; the results of any reevaluation conducted; information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

Through file review the monitoring team concluded that the district did not conduct an annual IEP for four students. In three student files, there was no IEP meeting held for the 2003 school year. In the other file, there was a three month gap in services because the annual IEP meetings were held but did not meet the annual review date.

Follow-up: December 2, 2010

Findings: NONE

IEPs were reviewed on or before the annual review date in the student files reviewed.